

**California Department of Corrections and Rehabilitation
Office of Legislation**

2010 Legislative Digest



December 2010

STATE OF CALIFORNIA

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Governor

California Department of Corrections and Rehabilitation

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INTRODUCTION

This Legislative Digest is comprised of bills that were chaptered or vetoed during the second half of the 2009/2010 Legislative Session that will have, or would have had, some impact on the California Department of Corrections and Rehabilitation (CDCR).

The brief summaries do not purport to provide a complete description of the legislation or go into details of the measures. The summaries provide a brief overview of the intent of the bill.

Copies of the legislation referenced in this Digest, along with information such as legislative committee analyses, are available from the website of the Legislative Counsel of California at www.leginfo.ca.gov.

The chaptered bills become effective January 1, 2011, unless they contain an urgency clause, in which case they became effective immediately upon the Governor's signature. Alternatively, some measures specify their effective date.

For additional information regarding these measures, please contact the Office of Legislation.

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

TABLE OF CONTENTS

Chaptered Bills – Assembly Bills 5

Chaptered Bills – Senate Bills 19

Vetoed Bills 30

Index by Chapter Number 44

Index by Bill Number 47

Index by Subject Matter..... 50

Chaptered Bills – Assembly Bills

AB 33

AUTHOR: Nava

TITLE: Child abduction: sex offender identification.

STATUS: 09/24/2010-Chaptered by the Secretary of State, Chapter Number 224, Statutes of 2010.

SUMMARY: Existing law requires that the Attorney General establish and maintain within the Violent Crime Information Center an investigative support unit to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults. This bill would require the investigative support unit to make available, within 2 hours of a reported stranger abduction of a child, a list of persons required to register as sex offenders based on the method of operation, if available, of the sex offenders or the specified geographical location from which the child was taken. This bill contains other related provisions and other existing laws.

AB 177

AUTHOR: Ruskin

TITLE: Public contracts: small businesses and disabled veteran business enterprises.

STATUS: 09/27/2010-Chaptered by the Secretary of State, Chapter Number 342, Statutes of 2010.

SUMMARY: Existing law provides for various programs to encourage the participation of small businesses and disabled veteran business enterprises, as certified by the Department of General Services, in state agency contracts. Existing law revokes, for a specified period, the small business or microbusiness certification of a business that obtained the classification as a small business or microbusiness by reason of having furnished incorrect supporting information or withholding relevant information, and suspends that business from transacting with the state, as specified. Existing law extends the period of revocation and suspension for additional or subsequent violations and requires the business to pay specified costs to the state related to the contract. This bill would increase the period of certification revocation and suspension for these violations, revoke the disabled veteran business enterprise certification of the business if the business has both certifications, revise the types of costs payable to the state, and additionally prohibit a business or person from contracting with the state until the amounts are paid. This bill contains other related provisions and other existing laws.

AB 552

AUTHOR: Solorio

TITLE: Correctional facilities.

STATUS: 06/03/2010-Chaptered by the Secretary of State, Chapter Number 22, Statutes of 2010.

SUMMARY: Existing law, the Public Safety and Offender Rehabilitation Services Act of 2007, authorizes certain revenue bond construction of prison facilities. The act, among other things,

Chaptered Bills – Assembly Bills

authorizes the Department of Corrections and Rehabilitation to design, construct, or renovate prison housing units, prison support buildings, and programming space in order to add new beds at existing adult correctional facilities. It also authorizes the department to construct and establish new buildings at existing facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing, as specified. This bill would additionally authorize the Department of Corrections and Rehabilitation to develop beds and treatment space to serve inmates requiring mental health or medical services. The bill would provide that any beds developed with a medical or mental health purpose shall be supported with rehabilitative programming, as defined, that is consistent with the medical or mental health services required by the inmates. The bill would authorize the department, in addition to designing and constructing new buildings at existing facilities for medical, dental, and mental health treatment, to renovate existing buildings at existing facilities for medical, dental, and mental health treatment as well as to design, construct, or renovate any ancillary improvements, as specified. The bill would also make changes regarding the calculation of design-build project augmentations from these funds. This bill contains other related provisions and other existing laws.

AB 635

AUTHOR: Committee on Accountability and Administrative Rev

TITLE: Public contracts: roof projects.

STATUS: 09/29/2010-Chaptered by the Secretary of State, Chapter Number 438, Statutes of 2010.

SUMMARY: Existing law prohibits a state agency, political subdivision, municipal corporation, or district from drafting specifications for bids, in connection with the construction, alteration, or repair of public works, calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. This bill would provide that, for a project for the repair or replacement of a roof of a public school or community college, a material, product, thing, or service shall be considered equal if it meets specified requirements. The bill would require an architect, engineer, roofing consultant, and other specified persons or entities to complete and sign a certification related to financial relationships in connection with such a roof project and provide the certification to the school district or community college district. The bill would make related changes. This bill contains other related provisions.

GOVERNOR'S MESSAGE: To the Members of the California State Assembly: I am signing Assembly Bill 635 because I strongly support increased transparency in the bidding and contracting process. This bill is a good first step at trying to provide more oversight in bidding practices for school roofing projects. While financial disclosure is important, this requirement alone does not go far enough in addressing the apparent lack of competitive bidding investigated and brought to light in the media. I encourage the Legislature to continue working on the issue to ensure additional school funds are being spent prudently. Sincerely, Arnold Schwarzenegger

Chaptered Bills – Assembly Bills

AB 1280

AUTHOR: Villines

TITLE: Child abuse sentencing: child becoming comatose or suffering paralysis.

STATUS: 09/27/2010-Chaptered by Secretary of State - Chapter No. 300, Statutes of 2010.

SUMMARY: Existing law provides that any person who, having the care or custody of a child who is under 8 years of age, assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life. This bill would, in addition, make it a felony, punishable by imprisonment in the state prison for life with the possibility of parole, for a person, having the care or custody of a child who is under 8 years of age, to assault the child with force that to a reasonable person would be likely to produce great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature, as specified. This bill contains other related provisions and other existing laws.

AB 1532

AUTHOR: Lieu

TITLE: Code enforcement officers.

STATUS: 07/19/2010-Chaptered by Secretary of State - Chapter 117, Statutes of 2010.

SUMMARY: Existing law defines the term "code enforcement officer" for purposes of determining the punishment for an assault or battery committed against a code enforcement officer as a person who is not a peace officer, has enforcement authority for health, safety, and welfare requirements, and is authorized to issue citations or file formal complaints, as specified. This bill would define the term "code enforcement officer" in the Penal Code as described above without limiting the definition to the context of assault and battery committed against a code enforcement officer. This bill contains other related provisions.

AB 1585

AUTHOR: Committee on Accountability and Administrative Rev

TITLE: State government: reporting requirements: required repealers.

STATUS: 02/26/2010-Chaptered by the Secretary of State, Chapter Number 7, Statutes of 2010.

SUMMARY: Existing law requires or requests various state and local agencies to submit reports on specified topics to the Legislature, the Governor, or both. Existing law requires a report that is to be made to the Members of either house of the Legislature to instead be submitted to the Legislative Counsel, the Secretary of the Senate, and the Chief Clerk of the Assembly. Each of these reports is required to include a summary of its contents, which the Legislative Counsel is required to provide to each Member of the appropriate house of the Legislature. Existing law also requires the Legislative Counsel to prepare and publish a list of all the reports that state and local agencies are required to submit, and, upon request, to provide aid and assistance to any Member of the Legislature with respect to a bill, resolution, or measure, including drafting a bill into its

Chaptered Bills – Assembly Bills

proper form. This bill would require that the report submitted by a state or local agency to the Members of either house of the Legislature generally, be submitted as a printed copy to both the Legislative Counsel and the Secretary of the Senate, and as an electronic copy to the Chief Clerk of the Assembly. The bill would further require that the summary of a report made by a state agency to either house of the Legislature be submitted to the Members of the appropriate house by that agency, instead of by the Legislative Counsel. The bill would also specifically require the Legislative Counsel to maintain the list of state and local agencies' reports in a specified manner, including maintaining the list in an electronic format and deleting specified reports from the list. This bill contains other related provisions.

AB 1592

AUTHOR: Buchanan

TITLE: State employees: memorandum of understanding.

STATUS: 08/23/2010- Chaptered by Secretary of State - Chapter 163, Statutes of 2010.

SUMMARY: Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act. This bill would approve provisions that require the expenditure of funds for memoranda of understanding entered into between the state employer and State Bargaining Units 8, 16, and 19 and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act. This bill contains other related provisions and other existing laws.

AB 1601

AUTHOR: Hill

TITLE: Vehicles: driving-under-the-influence (DUI): repeat offenders.

STATUS: 09/27/2010-Chaptered by the Secretary of State, Chapter Number 301, Statutes of 2010.

SUMMARY: Existing law requires, if a person is convicted of a specified driving-under-the-influence (DUI) offense and the offense occurred within 10 years of 2, or 3 or more, prior specified DUI offenses that resulted in a conviction, that the person be punished by enhanced penalties, and that the person's privilege to operate a motor vehicle be revoked by the department for a period of 2, 3, 4, or 5 years, as applicable. This bill would, beginning January 1, 2012, authorize the court to order a 10-year revocation of the driver's license of a person who has been convicted of 3 or more specified DUI offenses if the court considers certain factors, including, but not limited to, the period of time that has elapsed since his or her previous DUI convictions. The bill would also authorize a person who had his or her driver's license revoked for 10 years to apply to the Department of Motor Vehicles, 5 years from the date of the last DUI conviction, to have his or her

Chaptered Bills – Assembly Bills

privilege to operate a motor vehicle reinstated subject to certain conditions, including, among other things, the condition that the person was not convicted of any other drug- or alcohol-related offenses, under state law, during the driver's license revocation period. This bill contains other related provisions and other existing laws.

[AB 1620](#)

AUTHOR: Committee on Budget

TITLE: Public works projects.

STATUS: 10/19/2010-Chaptered by the Secretary of State, Chapter Number 726, Statutes of 2010.

SUMMARY: Existing law prohibits any state agency from expending funds appropriated for capital outlay projects, and prohibits the expenditure of funds appropriated for design-build projects, until the Department of Finance and the State Public Works Board have approved preliminary plans for the project. Existing law authorizes the board to augment a major capital outlay or design-build project in an amount of up to 20% of the total appropriation for that project. Prior to board action on any capital outlay or design-build appropriation, the department is required to certify that the requested action is in accordance with the legislatively approved scope and cost. Existing law also requires, in specified circumstances, the board to defer action with respect to the approval of preliminary plans for a capital outlay project and the approval of concept drawings and performance criteria for a design-build project. Existing law authorizes the Director of General Services to enter into only 7 design-build contracts pursuant to these provisions, as specified, and effective July 1, 2009, provides that specified provisions remain operative for these 7 design-build projects. This bill would make clarifying changes to the prohibition on the expenditure of capital outlay or design-build funds prior to approval by the Department of Finance and the State Public Works Board. The bill would provide that for specified projects, the department has full authority to determine which fund sources will bear all or part of a board augmentation. The bill would delete the department's certification requirement and, instead, authorize the department to change the administratively or legislatively approved scope for major capital outlay or design-build projects and to report the changes and associated cost implications, as prescribed. The bill would also delete the board's requirement to defer action, in certain circumstances, with respect to the approval of preliminary plans for a capital outlay project or the approval of concept drawings and performance criteria for a design-build project and, instead, require the department to report to specified individuals 20 days prior to the proposed board approval. The bill would make further technical changes. This bill contains other related provisions and other existing laws.

Chaptered Bills – Assembly Bills

[AB 1628](#)

AUTHOR: Committee on Budget

TITLE: Corrections.

STATUS: 10/19/2010-Chaptered by the Secretary of State, Chapter Number 729, Statutes of 2010.

SUMMARY: The Public Safety and Offender Rehabilitation Services Act of 2007, among other things, authorizes the Department of Corrections and Rehabilitation (CDCR), a participating county, as defined, and the State Public Works Board (SPWB) to enter into a construction agreement in order to acquire, design, and construct a local jail facility approved by the Corrections Standards Authority, as specified. The act further authorizes the SPWB to issue up to \$750,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, or construction of approved local jail facilities and appropriates funds for that purpose. Existing law requires the Corrections Standards Authority to adhere to its duly adopted regulations for the approval or disapproval of local jail facilities or local youthful offender rehabilitative facilities, as specified, and prohibits the encumbrance of state moneys in contracts let by a participating county until final architectural plans and specifications have been approved by the Corrections Standards Authority, and subsequent construction bids have been received. This bill would, instead, prohibit the encumbrance of state moneys in contracts let by a participating county pursuant to those provisions until either (1) final architectural plans and specifications have been approved by the Corrections Standards Authority and subsequent construction bids have been received or (2) specified documents prepared by the participating county have been approved by the Corrections Standards Authority and a design-build contract has been awarded, as prescribed. This bill contains other related provisions and other existing laws.

[AB 1659](#)

AUTHOR: Huber

TITLE: State government: agency repeals.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 666, Statutes of 2010.

SUMMARY: Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and, until January 1, 2012, requires the committee to hold public hearings at specified times and to evaluate whether a board or regulatory program has demonstrated a need for its continued existence. Existing law states the intent of the Legislature that all existing and proposed state boards be subject to review every 4 years to evaluate and determine whether each has demonstrated a public need for its continued existence, as specified. This bill would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every "eligible agency," as defined, to determine if the agency is still necessary and cost effective. The bill would

Chaptered Bills – Assembly Bills

define an "eligible agency" as an entity of state government, however denominated, for which a date for repeal has been established by statute on or after January 1, 2011. The bill would require each eligible agency scheduled for repeal to submit a report to the committee containing specified information. The bill would require the committee to take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed, and would require that an eligible agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency. The bill would specify the composition of the committee, which would be appointed by the Senate Committee on Rules and the Speaker of the Assembly, and certain aspects of its operating procedure.

AB 1729

AUTHOR: Yamada

TITLE: Civil service examinations: veterans' preference.

STATUS: 09/24/2010-Chaptered by the Secretary of State, Chapter Number 237, Statutes of 2010.

SUMMARY: Under the State Civil Service Act, veterans of the Armed Forces who take an entrance examination for state employment are allowed extra points by virtue of their status as veterans. Existing law provides that if a member of the Armed Forces successfully passes a state civil service examination and becomes qualified for the veterans' preference within 6 months after the establishment of the employment list, he or she is entitled to receive the additional points at that time. This bill would extend the time in which a member of the Armed Forces may receive the additional points to 12 months after the establishment of the employment list.

AB 1813

AUTHOR: Lieu

TITLE: Public officials: personal information.

STATUS: 08/27/2010-Chaptered by the Secretary of State, Chapter Number 194, Statutes of 2010.

SUMMARY: Existing law requires a person, business, or association, upon receiving the written demand of an elected or appointed official, to remove the official's home address or telephone number from public display on the Internet within 48 hours of the delivery of the demand, and to continue to ensure that information is not reposted on the same Internet Web site, a subsidiary site, or any other Internet Web site maintained by the recipient of the written demand, with specified exceptions. Existing law includes a public safety official within the definition of an elected or appointed official for these purposes, and defines public safety official to include specified peace officer classifications. Existing law makes a violation of these provisions a misdemeanor or a felony under certain circumstances. This bill would specify that the requirement to remove the information described above from public display on the Internet includes information provided to cellular telephone applications. The bill would also expand the definition of public safety officer for these purposes, and include within that definition retired members of specified employee

Chaptered Bills – Assembly Bills

classifications. By expanding the definition of a crime, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 1844](#)

AUTHOR: Fletcher

TITLE: Sex offenders: punishment: parole.

STATUS: 09/09/2010-Chaptered by the Secretary of State, Chapter Number 219, Statutes of 2010.

SUMMARY: Under existing law, an assault with the intent to commit mayhem, rape, sodomy, oral copulation, or with the intent to commit, by force, rape, spousal rape, or sexual penetration in concert with another, is punishable by imprisonment in the state prison for 2, 4, or 6 years, except as specified. This bill would provide that an assault of a person under 18 years of age with the intent to commit rape, sodomy, oral copulation, or with the intent to commit, by force, rape, spousal rape, or sexual penetration in concert with another, would be punishable by imprisonment in state prison for 5, 7, or 9 years. This bill contains other related provisions and other existing laws.

[AB 1847](#)

AUTHOR: Furutani

TITLE: Restitution orders.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 582, Statutes of 2010.

SUMMARY: Existing law provides for victim restitution orders and restitution fines, as specified. Existing law authorizes procedures for the entry and application of court orders for income deduction upon entry of an order for a restitution fine or for victim restitution, and gives the agency responsible for the collection of restitution specified powers and duties in regard to these income deduction orders. The bill would provide that if there is no agency in the county responsible for the collection of restitution, the county probation office or the prosecuting attorney may carry out the functions and duties of such an agency in regard to the income deduction orders described above, as specified. This bill would further provide, if the defendant fails to meet his or her obligations under the restitution order and the defendant has not provided good cause for the failure, that a court shall be authorized, upon the request of the prosecuting attorney, to order the prosecuting attorney be given authority to use lien procedures applicable to the defendant, including, but not limited to, a writ of attachment of property, as specified. This bill would provide prosecutorial immunity from liability for these proceedings and deny reimbursement for the costs of the prosecuting attorney from the defendant's income or assets, as specified.

Chaptered Bills – Assembly Bills

[AB 1985](#)

AUTHOR: Galgiani
TITLE: Corrections: contract health care providers.
STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 669, Statutes of 2010.

SUMMARY: Existing law authorizes the Department of Corrections and Rehabilitation to enter into contracts with providers of health care services to provide health care services to inmates. This bill would require the department, by January 1, 2011, to adopt industry standard claim forms for use by contract health care providers, to be able to accept electronic submissions of claims from contract health care providers, to perform periodic audits of claims paid to contract health care providers, and to provide remote electronic access to claim status information to contract health care providers. The bill would authorize the department to adopt policies and procedures for enabling electronic health care claims management and processing, and would exempt the adoption, amendment, and repeal of policies and procedures for this limited purpose from the rulemaking provisions of the Administrative Procedure Act.

[AB 2091](#)

AUTHOR: Conway
TITLE: Public records: information security.
STATUS: 08/27/2010-Chaptered by the Secretary of State, Chapter Number 205, Statutes of 2010.

SUMMARY: The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. This bill would exempt from disclosure under the act the information security records of a public agency if, on the facts of the particular case, disclosure of those records would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency. This bill contains other related provisions and other existing laws.

[AB 2181](#)

AUTHOR: Hagman
TITLE: State Contract Act: contracting by state agencies.
STATUS: 09/24/2010-Chaptered by the Secretary of State, Chapter Number 252, Statutes of 2010.

SUMMARY: The State Contract Act requires projects that are not under the jurisdiction of specified departments to be under the charge and control of the Department of Transportation. This bill would instead have those projects under the charge and control of the Department of General Services. This bill contains other related provisions and other existing laws.

Chaptered Bills – Assembly Bills

[AB 2218](#)

AUTHOR: Fuentes
TITLE: Restitution centers
STATUS: 09/29/2010-Chaptered by the Secretary of State, Chapter Number 463, Statutes of 2010.

SUMMARY: Existing law establishes restitution centers for inmates to provide a means for those sentenced to prison to be able to pay their victims' financial restitution, as specified. This bill would revise what is included by the term "restitution" for these purposes, and provide that inmates who commit crimes involving a direct victim shall receive priority placement in restitution centers. This bill contains other related provisions and other existing laws.

[AB 2253](#)

AUTHOR: Coto
TITLE: Workers' compensation: cancer presumption.
STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 672, Statutes of 2010.

SUMMARY: Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires an employer to provide, or pay for all reasonable costs of, medical services necessary to care for or relieve work-related injuries. Existing law further provides that in the case of active firefighting members of certain state and local fire departments and in the case of certain peace officers, a compensable injury includes cancer that develops or manifests itself during the period when the firefighter or peace officer demonstrates that he or she was exposed, while in the service of the public agency, to a known carcinogen, as defined, and the carcinogen is reasonably linked to the disabling cancer. Existing law establishes a presumption that the cancer in these cases is presumed to arise out of, and in the course of, employment, unless the presumption is controverted by evidence that the primary site of the cancer has been established and that the carcinogen to which the member has demonstrated exposure is not reasonably linked to the disabling cancer. This bill would provide that the above-described presumption shall be extended to a member following termination of service for a period of 3 calendar months, but not to exceed 120 months in any circumstance, commencing with the last date actually worked in the specified capacity. This bill contains other existing laws.

[AB 2263](#)

AUTHOR: Yamada
TITLE: Sentencing.
STATUS: 09/24/2010-Chaptered by Secretary of State, Chapter No. 256, Statutes of 2010.
SUMMARY: Existing law provides that most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper terms. Previous law that

Chaptered Bills – Assembly Bills

required the court to impose the middle term, unless there were circumstances in aggravation or mitigation of the crime, was amended to provide that the choice of the appropriate term rests within the sound discretion of the court. Existing provisions related to sentence enhancements involving criminal street gang activity, firearms, and sentencing generally specify that the appropriate term rests within the sound discretion of the court. Existing law repeals the provision giving the court this discretionary authority on January 1, 2011, and on that date, makes operative alternate provisions that require the court to impose the middle term, unless there are circumstances in mitigation or aggravation of the crime. This bill would extend to January 1, 2012, the provisions of law that provide that the court shall, in its discretion, impose the term or enhancement that best serves the interests of justice. The bill would also make conforming changes. This bill contains other related provisions.

AB 2350

AUTHOR: Hill

TITLE: Interstate Compact for Juveniles.

STATUS: 07/15/2010-Chaptered by the Secretary of State - Chapter Number 96, Statutes of 2010.

SUMMARY: Existing law, the Interstate Compact for Juveniles, which has been adopted by this state, establishes an interstate commission to oversee, supervise, and coordinate the interstate movement of juveniles. Pursuant to the compact, any state statutory law that conflicts with the rules and regulations adopted by the commissioners is superseded. This bill would delete the provisions of state law regarding a minor whose parent or guardian is a resident outside of the state as described above and would instead exclude an out-of-state minor who is being held pursuant to the Interstate Compact for Juveniles from the provisions authorizing the detention of a minor for no more than 24 hours. This bill contains other existing laws.

AB 2372

AUTHOR: Ammiano

TITLE: Grand theft: property value threshold.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 693, Statutes of 2010.

SUMMARY: Existing law generally provides that grand theft is theft when the money, labor, or real or personal property taken is of a value exceeding \$400. This bill would increase the value threshold for committing grand theft from \$400 to \$950. By revising an element of an existing crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Chaptered Bills – Assembly Bills

[AB 2408](#)

AUTHOR: Smyth

TITLE: State government information technology.

STATUS: 09/28/2010-Chaptered by the Secretary of State, Chapter Number 404, Statutes of 2010.

SUMMARY: Existing law, the Governor's Reorganization Plan No. 1 of 2009 (GRP No. 1), transferred all the duties, functions, employees, property, and related funding of the Division of Telecommunications in the Department of General Services to the office of the State Chief Information Officer. The plan also renamed and transferred the Department of Technology Services in the State and Consumer Services Agency to the Office of the Department of Technology Services within the office of the State Chief Information Officer, renamed the Department of Technology Services Revolving Fund the Technology Services Revolving Fund, and made conforming changes. The plan eliminated the Office of Information Security and Privacy Protection, and instead created the Office of Information Security within the office of the State Chief Information Officer, and the Office of Privacy Protection within the State and Consumer Services Agency, with a division of the duties, personnel, property, and funding of the Office of Information Security and Privacy Protection between the 2 offices. The plan also transferred duties relating to the state's procurement of information technology from the Department of Finance, the Department of General Services, and the Department of Information Technology to the office of the State Chief Information Officer. This bill would make the statutory codification changes made necessary by the plan. This bill contains other related provisions and other existing laws.

[AB 2635](#)

AUTHOR: Portantino

TITLE: Communicable disease: involuntary testing.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 688, Statutes of 2010.

SUMMARY: Existing law establishes procedures by which an arrestee's blood may be tested, either voluntarily or by court order, for specified communicable diseases when a peace officer, firefighter, custodial officer, custody assistant, nonsworn uniformed employee of a law enforcement agency, or emergency medical personnel is exposed to an arrestee's blood or bodily fluids, as defined, while the peace officer, firefighter, custodial officer, custody assistant, nonsworn uniformed employee of a law enforcement agency, or emergency medical personnel is acting within the scope of his or her duties. This bill would add nonsworn employees of a law enforcement agency whose job description includes the collection of fingerprints to the list of persons to which these provisions apply. Because this bill increases the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Chaptered Bills – Assembly Bills

[AB 2668](#)

AUTHOR: Galgiani

TITLE: Weapons: possession at State Capitol and legislative buildings.

STATUS: 09/30/2010-Chaptered by Secretary of State, Chapter No. 689, Statutes of 2010.

SUMMARY: Existing law makes it a crime for any person, with the exception of peace officers, to bring a loaded firearm into, or possess a loaded firearm within, the State Capitol, as specified. This bill would repeal and recast these provisions and would make it a crime, punishable by imprisonment in a county jail for a period not to exceed one year, a fine not exceeding \$1,000, or by both that fine and imprisonment, or by imprisonment in state prison, to bring a loaded firearm into, or possess a loaded firearm within, the State Capitol and any of other specified locations of significance to the conduct of the Legislature and constitutional officers. The bill would also make it a misdemeanor, punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not exceeding \$1,000, or by both that fine and imprisonment, to bring or possess specified weapons or ammunition within the State Capitol or in any of other specified locations of significance to the conduct of the Legislature, if the area is posted with a statement providing reasonable notice that prosecution may result from possession of the weapons or ammunition. The weapons restricted by this bill would include any firearm, any deadly weapon, as defined, any knife with a blade length in excess of 4 inches with a fixed blade or capable of being fixed in an unguarded position, any unauthorized tear gas weapon, any stun gun, any instrument that expels a metallic projectile, and any explosive. This bill would exclude from its provisions peace officers, peace officers of another state or the federal government who are carrying out official duties, persons summoned by these peace officers, persons holding a valid license to carry a firearm who have permission from the Chief Sergeants at Arms of the State Assembly and the State Senate to possess a concealed weapon on the premises, and any person who has permission granted from the Chief Sergeants at Arms of the State Assembly and the State Senate to possess a weapon on the premises. This bill contains other related provisions and other existing laws.

[AB 2738](#)

AUTHOR: Niello

TITLE: Regulations: agency statement of reasons.

STATUS: 09/27/2010-Chaptered by Secretary of State, Chapter No. 398, Statutes of 2010.

SUMMARY: Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. This bill would, from January 1, 2012, until January 1, 2014, recast these provisions and require that the initial statement of reasons also include a description of any performance standard that was considered as an alternative to the proposed adoption, amendment, or repeal of the regulation. This bill contains other related provisions and other existing laws.

Chaptered Bills – Assembly Bills

[AB 2742](#)

AUTHOR: Blakeslee

TITLE: Public employment: retirement: survivors' benefits.

STATUS: 09/30/2010-Chaptered by Secretary of State, Chapter No. 608, Statutes of 2010.

SUMMARY: Existing law authorizes, at the discretion of the appointing power, excluded employees to transfer eligible leave credits to an excluded employee when a catastrophic illness or injury occurs. This bill would authorize a request to be made of the employer of a retired state employee, as defined, who died from a nonwork-related illness or injury within 12 months of retirement to allow employees to donate leave credits to a leave bank. The donated leave, not to exceed \$50,000, would be cashed out to the person designated to receive the deceased employee's leave balance. The bill would provide that donations would be accepted for 30 days following approval of the request, except as described below. This bill contains other related provisions.

[ABX8 3](#)

AUTHOR: Committee on Budget

TITLE: Fines and forfeitures: forensic laboratories: Alcohol Beverage Control Fund: inmate education.

STATUS: 03/08/2010-Chaptered by Secretary of State, Chapter No. 3, Statutes of 2010.

SUMMARY: Under existing law, an additional state penalty of \$1 is levied for each \$10 or fraction thereof, upon every fine, penalty, or forfeiture collected by the courts for criminal offenses. Those funds are required to be deposited into the state's DNA Identification Fund to fund the operation of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and to facilitate compliance with the requirement that DNA samples be included in the state summary criminal history information. This bill would increase that penalty to \$3 for each \$10 or fraction thereof, and would require those funds to be used to fund the operations of the Department of Justice forensic laboratories, including the operation of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and to facilitate compliance with the requirement that DNA samples be included in the state summary criminal history information. This bill contains other related provisions and other existing laws.

[ACR 140](#)

AUTHOR: Adams

TITLE: Undocumented foreign nationals: incarceration: reimbursement.

STATUS: 09/24/2010-Chaptered by Secretary of State, Chapter No. 224, Statutes of 2010.

SUMMARY: This measure would urge the Governor to demand that the federal Bureau of Justice Assistance reimburse the State of California for all costs of incarcerating undocumented foreign nationals.

Chaptered Bills – Senate Bills

SB 5

AUTHOR: Hollingsworth

TITLE: Deceased Child Victims' Protection and Privacy Act.

STATUS: 09/27/2010-Chaptered by the Secretary of State, Chapter Number 302, Statutes of 2010

SUMMARY: Existing law prohibits the making of a copy, reproduction, or facsimile of any kind of photographs, negatives, or print of the body, or any portion of the body, of a deceased person taken by or for the coroner at the scene of death or in the course of a postmortem exam or autopsy made by or caused to be made by the coroner, except for use in a criminal proceeding in this state that relates to the death of that person, or except as a court of this state permits, as specified. This bill would enact the Deceased Child Victims' Protection and Privacy Act. The bill would provide that, when a minor who is not within the jurisdiction of the juvenile court, as specified, is killed as a result of a criminal act and a person has been convicted of the crime and sentenced, or been found to have committed the act by a juvenile court and adjudged a ward of the juvenile court, upon the request of a qualifying family member of the deceased minor, the autopsy report and evidence associated with the examination of the victim in the possession of a public agency would be sealed and would not be disclosed, except as specified. The bill would also provide that a coroner or medical examiner shall not be liable for damages in a civil action for any act or omission taken in compliance with these provisions. These provisions would not be construed to limit the authority of the court to seal records or restrict the dissemination of an autopsy report or evidence associated with the examination of a victim, as specified. In addition, these provisions would establish an independent basis upon which an autopsy report or other evidence associated with the examination of a victim may be withheld from public disclosure; however, these provisions would not apply if the above-described exemption from the California Public Records Act applies. This bill contains other related provisions and other existing laws.

SB 76

AUTHOR: Committee on Public Safety

TITLE: Committee on Public Safety: Inmates: incentive credits.

STATUS: 09/28/2010-Chaptered by the Secretary of State, Chapter Number 426, Statutes of 2010.

SUMMARY: Existing law provides time credit for work performance and good behavior to prisoners confined to a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp. Specifically, except regarding certain prisoners who are limited to 15% credit against sentenced time, existing law provides that a term of 4 days will be deemed to have been served for every 2 days spent in actual custody in one of these facilities, except that a term of 6 days will be deemed to have been served for every 4 days in actual custody for prisoners required to register as sex offenders, prisoners committed for a serious felony, or prisoners with a prior conviction for a serious or violent felony. This bill would instead provide that prisoners sentenced

Chaptered Bills – Senate Bills

to state prison for whom the sentence is executed, except for those required to register as sex offenders, committed for a serious felony, or with a previous conviction for a serious or violent felony, who are confined in a city or county jail, industrial farm, or road camp, from the date of arrest until state prison credits are applicable, shall have one day deducted from his or her period of confinement for every day the prisoner served in a city or county jail, industrial farm, or road camp. The bill would provide that a prisoner sentenced to state prison who is confined in a city or county jail, industrial farm, or road camp may not receive the day-for-day credit if it appears by the record that the prisoner refused to satisfactorily perform labor or failed to satisfactorily comply with rules and regulations, as specified. The bill would provide that, for prisoners otherwise in a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp for a crime committed on or after the effective date of this bill, except those subject to the 15% limitation on credits noted above, a term of 6 days will be deemed to have been served for every 4 days spent in actual custody. Because this bill would change the punishment for crimes, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 150

AUTHOR: Wright

TITLE: Sentencing.

STATUS: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 171, Statutes of 2010.

SUMMARY: Existing law provides that most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper terms. Previous law that required the court to impose the middle term, unless there were circumstances in aggravation or mitigation of the crime, was amended to provide that the choice of the appropriate term rests within the sound discretion of the court. Existing provisions related to sentence enhancements involving criminal street gang activity, firearms, and sentencing generally specify that the court shall impose the middle term of a triad of sentence enhancements unless there are circumstances in aggravation or mitigation of the crime. This bill would delete the requirement that the court impose the middle term, as specified, from those provisions and instead provide that the court, in its discretion, impose the enhancement that best serves the interests of justice. This bill would provide that these changes would be repealed on January 1, 2011. This bill contains other related provisions.

SB 408

AUTHOR: Padilla

TITLE: Body armor.

STATUS: 06/02/2010-Chaptered by the Secretary of State, Chapter Number 21, Statutes of 2010.

SUMMARY: Existing law provides that any person who has been convicted of a violent felony who purchases, owns, or possesses body armor, as defined in the California Code of

Chaptered Bills – Senate Bills

Regulations, except as authorized, is guilty of a felony, punishable by imprisonment in a state prison for 16 months or 2 or 3 years. However, the court, in *People v. Saleem* (102 Cal.Rptr.3d 652), held that this provision is unconstitutionally vague in violation of due process. This bill would change the definition of "body armor" for purposes of this provision to mean any bullet-resistant material intended to provide ballistic and trauma protection for the person wearing the body armor. By expanding the scope of an existing crime, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 830

AUTHOR: Wright

TITLE: Recording crimes.

STATUS: 09/29/2010-Chaptered by the Secretary of State, Chapter Number 480, Statutes of 2010.

SUMMARY: Existing law provides that a person is guilty of failure to disclose the origin of a recording or audiovisual work if, for commercial advantage or private financial gain, he or she advertises, sells, rents, manufactures, or possesses for those purposes, a recording or audiovisual work that does not disclose the name of the manufacturer, author, artist, performer, or producer, as specified. Failure to disclose the origin of a recording or audiovisual work is punishable by imprisonment in a county jail, imprisonment in the state prison, or a fine, or by both imprisonment and fine, as specified, depending on the number of articles of audio recordings or audiovisual works involved, and whether the offense is a first offense or a 2nd or subsequent offense. Existing law defines "recording" for the purpose of these provisions to mean any tangible medium upon which information or sounds are recorded or otherwise stored, including any phonograph record, disc, tape, audio cassette, wire, film, or other medium on which information or sounds are recorded or stored, but does not include sounds accompanying a motion picture or other visual work. Existing law defines "audiovisual works" as the physical embodiment of works that consist of related images that are intrinsically intended to be shown using machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects such as films or tapes on which the works are embodied. This bill would expand the definition of "recording" for the purposes of the above provisions to expressly include, but not be limited to, a memory card, flash drive, hard drive, or data storage device. This bill would, for purposes of the definition of "audiovisual works," add discs, memory cards, flash drives, hard drives, or data storage devices, or other devices to films and tapes as examples of material objects on which the works may be embodied. By expanding the scope of an existing crime, this bill would mandate a state-mandated local program. This bill contains other related provisions and other existing laws.

Chaptered Bills – Senate Bills

[SB 849](#)

AUTHOR: Ducheny

TITLE: Budget Act of 2009: augmentation.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 628, Statutes of 2010.

SUMMARY: The Budget Act of 2009 appropriated specified amounts from the General Fund for specified programs. This bill would appropriate \$653,989,860 from the General Fund in augmentation of specified appropriations in the Budget Act of 2009. This bill contains other related provisions.

[SB 938](#)

AUTHOR: Huff

TITLE: Department of Motor Vehicles: records: confidentiality.

STATUS: 09/24/2010-Chaptered by the Secretary of State, Chapter Number 280, Statutes of 2010.

SUMMARY: Existing law prohibits the disclosure of the home addresses of certain public employees and officials that appear in any records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities. Existing law prohibits the disclosure of the home address of the spouse or child of those specified public employees and officials, and of the surviving spouse or child of a peace officer who died in the line of duty. This bill would allow disclosure of the home addresses of those spouses, surviving spouses, or children if they were convicted of a crime and are on active parole or probation. The bill would require the person requesting confidentiality for their spouse or child, on or after January 1, 2011, to declare, at the time the request is made, whether their spouse or child has been convicted of a crime and is on active parole or probation. The bill would specify that neither the department nor the listed person's employer is required to verify or be responsible for verifying that the specified person was convicted of a crime and on active parole or probation. This bill contains other related provisions and other existing laws.

[SB 945](#)

AUTHOR: Liu

TITLE: Juvenile court jurisdiction: services and benefits.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 631, Statutes of 2010.

SUMMARY: Existing law provides that a minor may be adjudged a dependent child or a ward of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian in foster care, among other placements. Existing law provides for the termination of the juvenile court jurisdiction

Chaptered Bills – Senate Bills

when the minor reaches a specified age. This bill would require a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a facility that is not a foster care facility, to provide to the person a written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, and information that informs the person of the availability of assistance to enable the ward to apply for, and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children for which the person is or may be eligible. The bill would make related findings and declarations. This bill contains other provisions and other existing laws.

SB 962

AUTHOR: Liu

TITLE: Prisoners: adjudication of parental rights: participation.

STATUS: 09/29/2010-Chaptered by the Secretary of State, Chapter Number 482, Statutes of 2010.

SUMMARY: Existing law requires notice of, and the opportunity for an incarcerated parent to be physically present in, proceedings terminating his or her parental rights or seeking to adjudicate the child of a prisoner a dependent child of the court. These proceedings may not be adjudicated without the physical presence of the parent unless the court receives a knowing waiver from the parent of his or her right to be physically present at the proceedings, or an affidavit signed by a person in charge of the incarcerating institution that the prisoner does not intend to appear at the proceeding. This bill would provide that an incarcerated parent who has either waived the right to be physically present at the proceeding or who has not been ordered by the court to be present at the proceeding may be given the opportunity, at the discretion of the court, to participate in the proceeding by videoconference or teleconference, if that technology is available, as long as the parent's participation otherwise complies with the law. This bill contains other related provisions and other existing laws.

SB 1032

AUTHOR: Wright

TITLE: Corrections: audits and investigations.

STATUS: 09/29/2010-Chaptered by the Secretary of State, Chapter Number 484, Statutes of 2010.

SUMMARY: Existing law establishes the Office of the Inspector General for the purpose of conducting audits and investigations of the Department of Corrections and Rehabilitation, as specified. Under existing law, the Inspector General may require any employee of the department to be interviewed on a confidential basis. Existing law provides that it is not the purpose of these communications to address disciplinary action or grievance procedures that may routinely occur and that if it appears that the facts of the case could lead to punitive action, the Inspector General shall be subject to specified provisions governing interrogations and investigations of public safety

Chaptered Bills – Senate Bills

officers. This bill would include among those provisions applicable to the Inspector General in interviewing employees of the department a provision that makes it unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to him or her concerning interrogations and investigations, as specified.

[SB 1055](#)

AUTHOR: Ashburn

TITLE: State Chief Information Officer: fingerprints: criminal history.

STATUS: 09/24/2010-Chaptered by the Secretary of State, Chapter Number 282, Statutes of 2010.

SUMMARY: Existing law authorizes certain state agencies to require fingerprint images and associated information from employees and prospective employees, and to furnish those images and that information to the Department of Justice for the purpose of obtaining information relating to criminal convictions. This bill would, in addition, require the State Chief Information Officer to require fingerprint images and associated information from an employee, prospective employee, contractor, subcontractor, volunteer, or vendor whose duties include, or would include, access to confidential or sensitive information, as specified. The bill would require the State Chief Information Officer to furnish those images and that information to the Department of Justice for the purpose of obtaining information relating to certain acts, including criminal convictions or the existence and content of a record of arrest, as specified. The bill would require the State Chief Information Officer to request subsequent arrest notifications, as specified, and would authorize the Department of Justice to assess a fee sufficient to cover the processing costs imposed by these provisions. The bill also would require that an individual who is rejected as a result of information contained in the criminal offender record receive a copy of the response record from the State Chief Information Officer and that the State Chief Information Officer develop a written appeal process for an individual who is rejected for employment because of his or her record. The bill would prohibit an individual from being ineligible for employment pursuant to these provisions until the appeal process is in place.

[SB 1062](#)

AUTHOR: Strickland

TITLE: Public safety omnibus bill.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 709, Statutes of 2010.

SUMMARY: Existing law provides the circumstances in which a local or state government agency may procure the financial records of an individual in the course of a criminal or civil investigation and specifies certain instances where the dissemination of financial records may be required by an order by a judge. Under existing law, a court may order the production of relevant records in the possession of a real estate recordholder upon the ex parte application by a peace officer stating the records are relevant to an ongoing felony fraud investigation. This bill would state that

Chaptered Bills – Senate Bills

the provisions of existing law regarding the procurement of financial records by the government do not prohibit the production of real estate documents upon the ex parte application of a peace officer during the course of the felony fraud investigation. This bill contains other related provisions and other existing laws.

[SB 1080](#)

AUTHOR: Committee on Public Safety

TITLE: Deadly weapons.

STATUS: 09/30/2010-Chaptered by the Secretary of State, Chapter Number 711, Statutes of 2010.

SUMMARY: Existing law generally regulates deadly weapons. This bill would reorganize without substantive change the provisions of the Penal Code relating to deadly weapons, to be operative January 1, 2012. This bill contains other related provisions.

[SB 1115](#)

AUTHOR: Committee on Public Safety

TITLE: Deadly weapons.

STATUS: 08/23/2010-Chaptered by the Secretary of State, Chapter Number 178, Statutes of 2010.

SUMMARY: Existing law generally regulates deadly weapons. This bill would make cross-reference changes to provisions of law that reference various deadly weapons provisions in the Penal Code, to be operative January 1, 2012. The operation of this bill is contingent upon enactment of SB 1080, which would reorganize and make other nonsubstantive changes to the deadly weapons provisions of law.

[SB 1155](#)

AUTHOR: Dutton

TITLE: Capital access companies.

STATUS: 09/29/2010-Chaptered by the Secretary of State, Chapter Number 516, Statutes of 2010.

SUMMARY: Existing law, the Capital Access Company Law, provides for the licensure and regulation by the Commissioner of Corporations of capital access companies to enable those entities to provide risk capital and management assistance to small businesses in the state, exempt from the requirements of the federal Investment Company Act of 1940. This bill would redefine a small business firm as a person that, together with its affiliates, has a net worth of not more than \$18,000,000 and average net income after federal income taxes, as specified, no greater than \$6,000,000. The bill would also define a "smaller business firm" as a person that, together with its affiliates, has a net worth of not more than \$6,000,000 and average net income after federal income taxes, as specified, no greater than \$2,000,000, and would require that at least 20% of all financing assistance provided by a licensee shall be through the purchase of

Chaptered Bills – Senate Bills

securities of smaller business firms proposing to do business wholly or substantially in this state. This bill contains other related provisions and other existing laws.

SB 1201

AUTHOR: DeSaulnier

TITLE: Sex offenders: assessments.

STATUS: 09/30/2010-Chaptered by Secretary of State, Chapter No. 710, Statutes of 2010.

SUMMARY: Existing law, the Sex Offender Registration Act, provides that persons convicted of specified sex offenses are required to register with law enforcement, as specified. Existing law requires that persons required to register as sex offenders be subject to assessment by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as specified. Existing law requires the Department of Corrections and Rehabilitation and the State Department of Mental Health to perform a risk assessment of every eligible person under their jurisdiction, as specified. Existing law provides that the definition of "eligible person" for this purpose means a person convicted of an offense that requires him or her to register pursuant to a specified provision of the act and who is eligible for assessment. The act, in addition to the provision specified in this definition of "eligible person," also provides registration requirements for the registration of, among others, persons convicted of registerable offenses in out-of-state, federal, or military courts, and registration of out-of-state residents working or attending school in California. This bill would require the Department of Corrections and Rehabilitation to assess every person on parole transferred from any other state or by the federal government to this state who has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, would require the person to register as a sex offender, as specified. The bill would specify that this assessment shall occur no later than 60 days after a determination by the Department of Justice that the person is required to register as a sex offender, as specified. The bill would revise the definition of "eligible person" for the purpose in the paragraph above to include all persons required to register as sex offenders pursuant to the Sex Offender Registration Act. This bill contains other related provisions and other existing laws.

SB 1253

AUTHOR: Strickland

TITLE: Probation: sex offenders.

STATUS: 07/07/2010-Chaptered by Secretary of State - Chapter 49, Statutes of 2010.

SUMMARY: Existing law provides that probation shall not be granted to specified defendants who are convicted of lewd or lascivious acts upon or with the body of a child, or defendants convicted of continuous sexual abuse of a child, except as specified. Existing law provides that if the defendant is not ineligible for probation, the defendant may be granted probation only if certain terms and conditions are met. This bill would include within those terms and conditions that, if the defendant is not a member of the victim's household, the court would be required to prohibit the

Chaptered Bills – Senate Bills

defendant from being placed or residing within 1/2 mile of the child victim's residence for the duration of the probation term unless the court, on the record, states its reasons for finding that this residency restriction would not serve the best interests of the victim.

SB 1265

AUTHOR: Dutton

TITLE: Forensic Conditional Release Program.

STATUS: 07/07/2010-Chaptered by Secretary of State - Chapter No. 50, Statutes of 2010.

SUMMARY: Existing law provides that the State Department of Mental Health shall provide mental health treatment and supervision in the community for judicially committed persons, as specified. Existing law provides that the department may provide these services directly or through contract with private providers or counties, including administrative and ancillary services related to the provision of direct services. Existing law provides that the program established and administered by the department to provide services pursuant to this authority shall be known as the Forensic Conditional Release Program. This bill would authorize programs providing services pursuant to this provision to inform local enforcement agencies of the names and addresses of program participants in the law enforcement agency's jurisdiction. The bill would specify that providing this notice does not relieve a person or entity of any statutory duty.

SB 1266

AUTHOR: Liu

TITLE: Inmates: alternative custody.

STATUS: 09/30/2010-Chaptered by Secretary of State, Chapter No. 644, Statutes of 2010.

SUMMARY: Existing law provides a system of prisons under the Department of Corrections and Rehabilitation to house inmates committed to state prison for felonies. This bill would authorize the Secretary of the Department of Corrections and Rehabilitation to offer a program under which female inmates, pregnant inmates, or inmates who, immediately prior to incarceration, were primary caregivers of dependent children, as defined, who are committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison. The bill would define an alternative custody program to include confinement to a residential home, a residential drug or treatment program, or a transitional care facility that offers appropriate services. The bill would authorize the department to enter into contracts with county agencies, not-for-profit organizations, for-profit organizations, and others in order to promote alternative custody placements. The bill would require the department to determine the recidivism rate of each participant in an alternative custody program. The bill would, among other things, provide inmate eligibility criteria, authorize the secretary to prescribe rules and regulations for the program, including imposing certain inmate participation requirements, and authorize certain inmate compliance verification procedures. The bill would make the escape or attempted escape from this program a misdemeanor, thereby creating a state-mandated local program. This bill contains other related provisions and other existing laws.

Chaptered Bills – Senate Bills

[SB 1355](#)

AUTHOR: Wright

TITLE: Child support: suspension of support order.

STATUS: 09/29/2010-Chaptered by the Secretary of State, Chapter Number 495, Statutes of 2010.

SUMMARY: Existing law provides that if a court orders a person to make payments for child support until the occurrence of a specified event, the obligation of the person ordered to pay support terminates on the happening of the contingency. This bill would, until July 1, 2015, provide that the obligation of a person to pay child support pursuant to an order that is being enforced by a local child support agency under Title IV-D of the Social Security Act is suspended for the period of time exceeding 90 days in which the obligor is incarcerated or involuntarily institutionalized, with specified exceptions. The bill would require that, upon the release of the obligor, the obligation to pay child support immediately resume in the amount otherwise specified in the child support order prior to the suspension of that obligation. The bill would require the court to provide notice to the parties of the support obligation suspension at the time the order is issued or modified. The bill would authorize an obligor, upon release from incarceration or involuntary institutionalization, to petition the court for an adjustment of the arrears pursuant to the suspension of the support obligation. These provisions would apply to all child support orders and modifications issued on or after July 1, 2011. This bill contains other related provisions.

[SB 1399](#)

AUTHOR: Leno

TITLE: Parole: medical parole: permanently medically incapacitated inmates.

STATUS: 09/28/2010-Chaptered by the Secretary of State, Chapter Number 405, Statutes of 2010.

SUMMARY: Existing law generally regulates the granting and conditioning of parole, and places the duty to monitor parolees on the Division of Adult Parole Operations. Existing law, the Victim's Bill of Rights Act of 2008: Marsy's Law, as added by Proposition 9 at the November 4, 2008, statewide general election, provides that the Board of Parole Hearings or its successor in interest shall be the state's parole authority and shall be responsible for protecting victims' rights in the parole process. This bill would provide that, except as specified, any prisoner who the head physician for the institution where the prisoner is located determines, as provided, is permanently medically incapacitated with a medical condition that renders the prisoner permanently unable to perform activities of basic daily living, and results in the prisoner requiring 24-hour care, and that incapacitation did not exist at the time of sentencing, shall be granted medical parole, if the Board of Parole Hearings determines that the conditions under which the prisoner would be released would not reasonably pose a threat to public safety. Those provisions would not apply to any prisoner sentenced to death or life in prison without possibility of parole or to any inmate who is serving a sentence for which parole pursuant to this bill is prohibited by any initiative statute.

Chaptered Bills – Senate Bills

The bill would provide that these provisions shall not be construed to alter or diminish the rights conferred under the Victim's Bill of Rights Act of 2008: Marsy's Law. The bill would require a physician employed by the Department of Corrections and Rehabilitation who is the primary care provider for a prisoner to recommend that the prisoner be referred to the Board of Parole Hearings for consideration for medical parole if the physician believes the prisoner meets the medical criteria for medical parole. The bill would provide that the Board of Parole Hearings or the Division of Adult Parole Operations shall have the authority to impose any reasonable conditions on prisoners subject to parole pursuant to this bill, including, but not limited to, the requirement that parolees submit to electronic monitoring. This bill contains other related provisions and other existing laws.

[SB 1447](#)

AUTHOR: Padilla

TITLE: Juveniles: secure detention facilities.

STATUS: 08/18/2010-Chaptered by Secretary of State - Chapter No. 157, Statutes of 2010.

SUMMARY: Existing law requires the annual inspection of any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. Existing law requires the Corrections Standards Authority to establish minimum standards for state and local correctional facilities. This bill would require the Corrections Standards Authority to inspect and collect relevant data from any facility that may be used for the secure detention of minors, in accordance with the federal Juvenile Justice and Delinquency Prevention Act of 2002. This bill contains other existing laws.

[SCR 83](#)

AUTHOR: Negrete McLeod

TITLE: Memorial highways: Officer Russell M. Miller, Sr. Memorial Highway and Correctional Officer Jesus.

STATUS: 09/07/2010-Chaptered by Secretary of State - Chapter No. 122, Statutes of 2010.

SUMMARY: This measure would designate a specified section of State Highway Route 60 in Chino as the Officer Russell M. Miller, Sr. Memorial Highway and a specified section of State Highway Route 83 in Chino as the Correctional Officer Jesus "Jesse" Sanchez Memorial Highway. The measure would also request that the Department of Transportation determine the cost for appropriate signs showing those special designations and, upon receiving donations from nonstate sources covering those costs, as specified, erect those signs.

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Vetoed Bills

AB 471

AUTHOR: Nava

TITLE: Legal services.

STATUS: 09/27/2010-Vetoed by the Governor.

SUMMARY: Existing law requires the Attorney General to perform specified duties with regard to providing state agencies with legal services. This bill would make technical, nonsubstantive changes to these provisions.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 471 without my signature. This bill makes technical, non-substantive changes to Government Code provisions concerning the Attorney General's representation of state agencies and its authority to represent the state in certain specified actions. This bill is unnecessary. Moreover, these types of changes should be included in a larger omnibus bill rather than a standalone bill. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 633

AUTHOR: Ammiano

TITLE: Department of Corrections and Rehabilitation: inmates and wards: classification.

STATUS: 09/24/2010-Vetoed by the Governor.

SUMMARY: Existing law requires the Department of Corrections and Rehabilitation to classify inmates and wards in order to prevent inmate and ward sexual violence and to promote inmate and ward safety, as specified. Existing law also requires the department to consider specified risk factors when classifying and housing inmates. This bill would instead require the department to classify inmates and wards in order to prevent violence and would revise the risk factors, as specified, for assessing inmates or wards for risk of victimization or risk of being abusive, providing different factors based on whether the inmate or ward is being assessed for risk of victimization or of abusive behavior, and based on whether the inmate or ward is in a facility for male or female inmates. The bill would also provide directions to the department related to those risk factors and the placement of inmates and wards. The bill would prohibit the department from requiring an inmate or ward to disclose or report his or her sexual orientation or gender identity and from disciplining or punishing an inmate or ward for failing to disclose or report his or her sexual orientation or gender identity, as provided. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 633 without my signature. This bill would require the sexual orientation and gender identity of an inmate or ward, among other risk factors, to be considered as part of the California Department of Corrections and Rehabilitation's inmate and ward classification and housing assignment procedures. This bill is nearly identical to AB 382, which I vetoed last year. This measure is unnecessary because CDCR already considers these factors when determining where to house inmates. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Vetoed Bills

AB 1239

AUTHOR: Solorio

TITLE: Prisoners: prison education programs.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law establishes various prison education programs. Existing law requires the Department of Corrections and Rehabilitation to determine and implement a system of incentives to increase inmate participation in, and completion of, academic and vocational education, as specified. Existing law requires the department to develop and implement a plan to obtain additional rehabilitation and treatment services for prison inmates and parolees. The bill would state findings and declarations of the Legislature pertaining to inmate education. This bill would require that the Department of Corrections and Rehabilitation implement any funding adjustments to inmate academic and vocational education programs consistent with specified requirements, including, among others, that the department shall prioritize the preservation of programs that are effective at reducing recidivism, and that the department shall seek to place inmates and parolees into programs for which they are best suited, as specified. The bill would require the department to annually report to the Joint Legislative Budget Committee specified information regarding inmate participation in, and completion of, academic and vocational education programs. The bill would render this reporting requirement inoperative on September 1, 2015.

GOVERNOR'S MESSAGE: To the Members of the California State Assembly: I am returning Assembly Bill (AB) 1239 without my signature. This bill would require the California Department of Corrections and Rehabilitation (CDCR) to implement any funding adjustments to inmate academic and vocational education programs consistent with specified priorities, and report annually to the Joint Legislative Budget Committee specified information regarding inmate participation in, and completion of, academic and vocational programs. This bill is unnecessary, as the directives in AB 1239 largely mirror similar directives in the Budget Act of 2009, ABX4 1 (Evans, Chapter 1, Statutes of 2009). The CDCR has reduced its adult program budget consistent with the directives in ABX4 1 and additional legislation is not needed to further mandate that the CDCR reduce those programs accordingly. For this reason, I am unable to sign this bill.

Sincerely, Arnold Schwarzenegger

AB 1506

AUTHOR: Anderson

TITLE: State funds: registered warrants.

STATUS: 09/30/2010-Vetoed by the Governor.

SUMMARY: Existing law prescribes procedures for the issuance of registered warrants and provides that a registered warrant is acceptable and may be used as security for the performance of any public or private trust or obligation. This bill would, if the Controller makes a specified determination, require a state agency to accept, from a person or entity, a registered warrant issued by the Controller and endorsed by that payee, at full face value, for the payment of any

Vetoed Bills

obligations owed by that payee to that state agency. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1506 without my signature. This measure would require all state departments, upon a specified determination made by the State Controller's Office, to accept registered warrants, also known as IOUs, in lieu of cash payments. The issuance of IOUs represents an embarrassing failure on the part of the state to manage its finances. Unfortunately, if the Legislature does not pass a balanced budget soon, the possibility that the Controller will be forced to issue IOUs this year becomes all too real. I sympathize with businesses that were issued IOUs last year and those businesses that may receive them this year. IOUs place enormous financial strains on recipients who are unable to use them to pay their own obligations, including debts owed to the state. However, requiring state departments to accept IOUs in lieu of cash payments defeats the purpose of issuing IOUs in the first place. It would exacerbate the state's cash crisis and would accelerate the possibility of the state defaulting on its debt service and payroll obligations. Since IOUs could be avoided if the Legislature passed a balanced budget, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 1778

AUTHOR: Lieu

TITLE: State agency promotions: commercials.

STATUS: 09/30/2010-Vetoed by the Governor.

SUMMARY: Existing law establishes the California Tourism Marketing Act as a means of funding generic promotion of this state as a tourism destination. This bill would require any department, commission, office, agency, or other administrative entity of the state that produces, or contracts for the production of, a promotional commercial for the state or a product of the state, and finances that commercial in whole or in part with public funds, to film that commercial in this state. The bill would except from its provisions agreements to feature or promote California products in a program made by a private entity, as specified.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1778 without my signature. While I am supportive of efforts to encourage filming and film production in California, I am concerned that this bill would restrict the economic growth of many of California's agricultural industries by negatively impacting the ability of industry funded programs, such as agricultural commissions and marketing orders, to promote California products. Marketing Orders, Commissions and Councils are entities of state government. These programs are established by the state with the support of affected farmers and handlers to engage in numerous activities including the development, maintenance and expansion of markets in the United States and other countries. However, marketing program funds do not come from general taxpayers; rather they come from California farmers and processors. As such, it would be improper to restrict the ability of these entities to spend these funds in a manner that best promotes California's agriculture industry. For these reasons I cannot sign this bill. Sincerely, Arnold Schwarzenegger

Vetoed Bills

[AB 1817](#)

AUTHOR: Arambula

TITLE: Corrections: inmate health care.

STATUS: 09/30/2010-Vetoed by the Governor.

SUMMARY: Existing law establishes the Department of Corrections and Rehabilitation and charges it with various duties and obligations. Existing law provides that it is the intent of the Legislature that the department operate in the most cost-effective and efficient manner possible when purchasing health care services for inmates. Existing law provides that the department may contract with providers of health care services and health care network providers, including, but not limited to, health plans, preferred provider organizations, and other health care network managers. This bill would require the department to maintain a statewide utilization management program, as defined, which would include, but not be limited to, the review, approval, and oversight of community hospital bed usage and case management processes for high medical risk and high medical cost patients. The bill would require the department to develop and implement policies and procedures to ensure that all adult prisons employ the same statewide utilization management program. The bill would require the department to establish annual quantitative utilization management performance objectives and to report to specified legislative committees on, among other things, its success or failure in meeting those objectives, as specified.

GOVERNOR'S MESSAGE: I am returning Assembly Bill (AB) 1817 without my signature. This bill would have required the California Department of Corrections and Rehabilitation (CDCR) to maintain a statewide health care utilization management?(UM) program, develop policies and procedures, and report annually to various Legislative committees on specified findings as well as successes or failures. AB 1817 is unnecessary, as the centralized UM system has already been established within CDCR. For this reason, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

[AB 1900](#)

AUTHOR: Skinner

TITLE: Pregnant inmates and wards: least restrictive restraints.

STATUS: 09/27/2010-Vetoed by the Governor.

SUMMARY: Existing law requires the Corrections Standards Authority to establish minimum standards for state and local correctional facilities, including standards restricting the shackling of women in labor, during childbirth, and while in recovery after giving birth, and to review those standards biennially and make any appropriate revisions, as specified. This bill would require that the standards ensure that women who are pregnant shall not be shackled by the wrists, ankles, or both during any transport, during labor, during delivery, and while in recovery after giving birth, except that the least restrictive restraints possible may be used when deemed necessary for the inmate, consistent with the legitimate security needs of the inmate, the staff, and the public.

Vetoed Bills

The bill would require the authority to develop these standards regarding the shackling of pregnant women as part of its biennial review of its standards. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1900 without my signature. This bill would prohibit the shackling of pregnant inmates and wards during transport to and from correctional facilities except when other less restrictive restraints are deemed necessary. Additionally, this bill would require the Corrections Standards Authority (CSA) to develop guidelines concerning the shackling of pregnant inmates and wards during transport. However, CSA's mission is to regulate and develop standards for correctional facilities, not establish policies on transportation issues to and from other locations. Since this bill goes beyond the scope of CSA's mission, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 1925

AUTHOR: Salas

TITLE: Veterans courts.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs. This bill would authorize superior courts to develop and implement veterans courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that leads to the placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service, in community treatment as is feasible and consistent with public safety. The bill would provide that county participation is voluntary. The bill would declare the intent of the Legislature regarding the relationship between the veterans court program and existing statutory programs.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1925 without my signature. This measure would authorize superior courts to develop and implement veterans' courts programs in California to allow criminal defendants who were also veterans of the United States Military an opportunity to go through alternative treatment programs and rehabilitation in a non-prison setting. I strongly support providing alternative treatment programs for veterans who may find themselves caught up in the criminal justice system due to service-related trauma or brain injury. That is why I am signing Assembly Bill 674 and Senate Bill 1296. However, I am unable to sign this bill because, like Assembly Bill 114, which I am also returning without my signature, authorizing legislation is not required for the superior courts to establish specialized courts with dedicated calendars. I would urge the Judicial Council to examine the need for veterans' courts, however, and establish appropriate guidelines for the superior courts to follow. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

Vetoed Bills

AB 2008

AUTHOR: Arambula

TITLE: Public employment: furloughs.

STATUS: 09/24/2010-Vetoed by the Governor.

SUMMARY: Existing law sets forth the general policy that the workweek of a state employee shall be 40 hours and authorizes workweeks of different hours to be established in order to meet varying needs of different state agencies. Existing law also authorizes the Governor to require that the 40-hour workweek be worked in 4 days in any state agency or part thereof when the Governor determines that the best interests of the state would be served thereby. Existing law vests the Department of Personnel Administration with the duties and responsibilities exercised by the State Personnel Board with respect to the administration of salaries, hours, and other personnel-related matters. This bill would, except as otherwise specifically authorized by the Legislature, provide that employees of the Franchise Tax Board and the State Board of Equalization would not be subject to furloughs implemented by any Executive order or by any other action of a state agency, board, or commission. The bill would also prohibit a state agency, board, or commission from directly or indirectly implementing, or assisting in implementing, a furlough of those employees. The bill would define "employee" for the purpose of those provisions and would also specify that nothing in the bill shall be construed as legal authorization for the imposition of furloughs on employees through an Executive order.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2008 without my signature. This bill would exempt specified employees from being subject to any furloughs. While there may be a need to exempt specific employees from furlough, that exemption should be determined on a case-by-case basis depending on the exigencies of the fiscal crisis. By statutorily exempting certain employees from furloughs, this bill limits a Governor's discretion to tailor a furlough policy to appropriately meet the needs of the State. For this reason, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 2187

AUTHOR: Arambula

TITLE: Employment: payment of wages.

STATUS: 09/24/2010-Vetoed by the Governor.

SUMMARY: Existing law makes it a misdemeanor for a person or employer who, having the ability to pay, willfully refuses to pay wages due to a current employee, an employee who has resigned, or an employee who has been discharged. Under existing law, an aggrieved employee has the right to restitution for unpaid wages. Existing law also imposes civil penalties against a person or employer who wrongfully fails to pay wages. This bill would create a separate prohibition against a person or an employer who, having the ability to pay, willfully fails to pay all wages due to an employee who has been discharged or who has quit within 90 days of the date of the wages becoming due, unless exempted, and would impose additional criminal penalties for that conduct. The bill would also require a person or employer who violates these provisions to

Vetoed Bills

pay restitution in an amount equal to the amount of unpaid wages to the aggrieved employee upon conviction. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill (AB) 2187 without my signature. AB 2187 would create a new criminal prohibition against a person or an employer who, having the ability to pay, willfully fails to pay all wages to an employee who has been discharged or who has quit within 90 days of the date of the wages becoming due. The bill contains an exemption for instances in which the employee's entitlement to unpaid wages is disputed by the employer in a civil action or proceeding by the Labor Commissioner unless there is a final judgment in favor of the employee. Waiting time penalties and defined timeframes for the payment of final wages currently exist in California law, as do mechanisms for enforcement of these obligations. Therefore, this bill is unnecessary. For this reason, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

AB 2290

AUTHOR: Bradford

TITLE: CDCR: inmates: summary parole.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law requires that an inmate released on parole be returned to the county of last legal residence and requires the Department of Corrections and Rehabilitation to provide specified items of information to local law enforcement agencies regarding an inmate paroled in their jurisdiction. Existing law also provides that the department shall not return to prison, place a parole hold on, or report any parole violation to the Board of Parole Hearings regarding any person to whom all of specified criteria apply. This bill would require the Department of Corrections and Rehabilitation, not less than 45 days prior to the release of such an inmate, or as soon as practicable, to notify, via the Law Enforcement Automated Data System (LEADS), the local law enforcement agency of the jurisdiction to which the inmate is to be released regarding the scheduled release.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2290 without my signature. This bill would require the California Department of Corrections and Rehabilitation (CDCR), not less than 45 days prior to the release of specified inmates, or as soon as practicable, to notify local law enforcement agency of the jurisdiction to which the inmate is to be released regarding the scheduled release. This measure is unnecessary because CDCR currently provides this information to local law enforcement. Moreover, this measure would unnecessarily specify the use of a particular data system, which could limit the department's flexibility to make improvements and updates to the current system. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Vetoed Bills

AB 2295

AUTHOR: De La Torre

TITLE: Parole: retention of records.

STATUS: 09/24/2010-Chaptered by the Secretary of State, Chapter Number 224, Statutes of 2010.

SUMMARY: Existing law generally regulates parole. This bill would require the Department of Corrections and Rehabilitation to retain all files, or electronic copies of those files, prepared by the Division of Adult Parole Operations regarding any person who was paroled who is required to register as a sex offender for 75 years from the date of release.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2295 without my signature. This bill would require the California Department of Corrections and Rehabilitation (CDCR) to retain all files, or electronic copies of those files, prepared by the Division of Adult Parole Operations regarding any person who is paroled and who is required to register as a sex offender for 75 years from the date of release. This measure is unnecessary. The CDCR's current policy concerning the retention of sex offender records exceeds what is required of this bill. Consequently, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 2326

AUTHOR: Bass

TITLE: Reentry Advisory Committee.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law requires the Secretary of the Department of Corrections and Rehabilitation to establish, until January 1, 2011, a Reentry Advisory Committee, comprised as specified, to advise the secretary on matters related to the successful planning, implementation, and outcomes of all reentry programs and services in the department, with the goal of reducing recidivism. Existing law provides that the committee shall meet at least quarterly and that committee members shall receive compensation for travel expenses but no other compensation. This bill would change the qualifications for one of the committee members, and would expand the membership of the committee by 7 members, as specified. The bill would provide that the committee shall meet upon call of the secretary. The bill would remove the requirement that committee members receive compensation for travel expenses, as specified, and instead provide that committee members shall serve without compensation. The bill would require the secretary, in consultation with the committee, to apply for specified federal grants. The bill would authorize the secretary to develop a comprehensive strategic reentry plan containing annual and 5-year performance goals, as specified, or to satisfy specified federal grant funding eligibility criteria by other means. The bill would require the secretary, in consultation with the committee, to apply for any federal financial hardship exemptions available to states struggling to identify matching funds for specified federal grants, and to submit a report to the Legislature and the United States Attorney General detailing the progress toward achieving strategic performance outcomes, as

Vetoed Bills

specified. The bill would extend the operation of the committee until January 1, 2016.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2326 without my signature. This bill would impose new requirements upon the California Department of Corrections and Rehabilitation (CDCR) and the Reentry Advisory Committee (RAC), including a requirement to seek and apply for federal funds, develop a comprehensive reentry plan, submit various advisory reports to the Legislature and Governor upon request, and would also increase the number of individuals on the committee. AB 2326 also extends the sunset date of the RAC from January 1, 2011, to January 1, 2016. This bill imposes several new duties upon the CDCR and the RAC without providing any new sustainable funding to pay for them. I cannot sign a bill that creates such unfunded mandates for the State of California during this time of fiscal crisis. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

[AB 2494](#)

AUTHOR: Blumenfield

TITLE: Personal services contracts.

STATUS: 09/24/2010-Vetoed by the Governor.

SUMMARY: Existing law authorizes state agencies to use personal services contracts if specified standards are satisfied, including, among other things, the contract does not cause the displacement of civil service employees and the contract is awarded through a publicized, competitive bidding process. The State Personnel Board is required to review a proposed contract upon the request of an employee organization for compliance with those standards. This bill would require a state agency to immediately discontinue a contract disapproved by action of the board or its delegate unless ordered otherwise by the board or its delegate. The bill would prohibit the state agency from circumventing or disregarding the board's action by entering another contract for the same or similar services or to continue the services that were the subject of the contract that was disapproved. The bill would require the state agency to serve notice of the discontinuation of the contract to the vendor within 15 days from the board's final action, and to serve a copy of the notice on the board and the employee organization that filed the contract challenge. The bill would make a related statement of legislative findings.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2494 without my signature. The abrupt termination of contracts that may be providing critical services could leave departments unable to meet their programmatic responsibilities and cause unknown fiscal and operational problems. Furthermore, it is unclear if the immediate discontinuation of a contract as a result of this bill may conflict with the termination language in the terms and conditions of that contract. Ultimately, this bill makes the process of contracting for personal and consulting services more complicated and will only result in greater expense to the taxpayer. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

Vetoed Bills

[AB 2747](#)

AUTHOR: Lowenthal, Bonnie

TITLE: Prisoners: pharmacy services.

STATUS: 09/30/2010-Vetoed by the Governor.

SUMMARY: Existing law provides that it is the intent of the Legislature that the Department of Corrections and Rehabilitation, in cooperation with the Department of General Services and other appropriate state agencies, take prompt action to adopt cost-effective reforms in its drug and medical supply procurement processes, as specified. Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to adopt regulations requiring manufacturers of drugs to pay the department a rebate for the purchase of drugs for offenders in state custody that is at least equal to the rebate that would be applicable to the drugs under the federal Social Security Act. This bill would provide that the Department of Corrections and Rehabilitation shall maintain and operate a comprehensive pharmacy services program for those facilities under the jurisdiction of the department that incorporates, among other things, a statewide pharmacy administration system with direct authority and responsibility for program oversight and a multidisciplinary, statewide Pharmacy and Therapeutics Committee with specified responsibilities. The bill would authorize the department to operate and maintain a centralized pharmacy distribution center, as specified. The bill would authorize the department to investigate and initiate potential systematic improvements in order to provide for the safe and efficient distribution and control of, and accountability for, drugs within the department's system. The bill would require the department to ensure that there is a program providing for the regular inspection of all the department's pharmacies to verify compliance with applicable rules, regulations, and other standards, as specified. The bill would require the department to report specified information to specified legislative committees relating to its pharmaceutical costs and its operation of a fully functioning and centralized pharmacy distribution center.

GOVERNOR'S MESSAGE: I am returning Assembly Bill (AB) 2747 without my signature. This bill requires the California Department of Corrections and Rehabilitation (CDCR) to maintain and operate a comprehensive pharmacy services program for facilities under its jurisdiction, as specified, and authorizes CDCR to operate and maintain a Centralized Pharmacy Distribution Center (CPDC). Additionally, AB 2747 requires CDCR to report specified information to legislative committees relating to its pharmaceutical costs and operation of a fully functioning and centralized pharmacy center. CDCR is currently under federal receivership for its health care services. The Receiver has the authority to conduct the provisions of AB 2747 and is currently in the process of implementing the CPDC. It would be premature for me to sign a bill when the successfulness of the CPDC has yet to be determined. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

Vetoed Bills

[SB 525](#)

AUTHOR: Padilla

TITLE: Correctional facilities: wireless communication devices.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law establishes various offenses relating to the unauthorized provision of specified items to persons confined in local and state correctional facilities. This bill would provide, subject to exceptions, that a person who possesses with the intent to deliver, or delivers, to an inmate or ward in the custody of the Department of Corrections and Rehabilitation any cellular telephone or other wireless communication device or any component thereof, including, but not limited to, a subscriber identity module (SIM card) or memory storage device, is guilty of a misdemeanor, punishable by a fine not exceeding \$5,000, for each device. The bill would also provide that if a person visiting an inmate or ward in the custody of the department is found to be in possession of a cellular telephone or other wireless communication device or any component thereof, including, but not limited to, a SIM card or memory storage device, when searched or subjected to a metal detector, as specified, that cellular telephone or wireless communication device or component shall be subject to confiscation, but shall be returned on the same day the person visits the inmate or ward, except as provided. The bill would require posted notices regarding those search and confiscation provisions, as specified. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Senate Bill 525 without my signature. Over the last few years, the proliferation of wireless communication devices in California's prisons has become one of the most challenging issues facing the Department of Corrections and Rehabilitation. As technology has advanced and these devices have become smaller and more powerful, the threat these devices pose to employees in correctional facilities and the public at large has grown. These devices allow inmates to plan prison assaults and escapes, harass and intimidate witnesses and victims, and facilitate other criminal activities, including directing the activities of criminal street gangs and authorizing murders. In response to this serious threat, my Administration launched programs to conduct random searches at prisons, established a committee to study cell phone jamming and detection techniques, and even utilized trained dogs to aid in uncovering contraband devices. In 2009, my administration sponsored legislation to make possession of an unauthorized wireless communication device in prison a felony. Unfortunately, the Legislature failed to pass this commonsense measure. Over a year later, the Legislature has passed this measure, which does not make it a crime for an inmate to possess a wireless communications device in a prison. Instead, this measure would only make it a crime to bring a wireless device into a prison with the intent to furnish it to an inmate, a crime that would only be punishable by a \$5,000 fine. Although our prisons continue to face drastic budget cuts and overcrowding, it is inexcusable to treat the threat of wireless communications devices in prisons so lightly. Signing this measure would mean that smuggling a can of beer into a prison carries with it a greater punishment than delivering a cell phone to the leader of a criminal street gang.

Vetoed Bills

I applaud the author for attempting to address this issue and acknowledge that this may, in fact, be the strongest measure that will emerge from the Legislature on this issue. And while signing this measure might be better than nothing, I cannot sign a measure that does so little. I urge the Legislature to pass a measure that will deter the conduct of persons smuggling wireless communication devices into prisons with the threat of jail time as well as punish the inmates who are caught possessing these devices. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

SB 1066

AUTHOR: Oropeza

TITLE: Corrections: Inspector General.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law establishes the office of the Inspector General, and charges the Inspector General with various duties and responsibilities. Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties and responsibilities. This bill would require the Inspector General to oversee, and the Department of Corrections and Rehabilitation to oversee and conduct, periodic and random searches of employees and vendors entering the secure perimeter of the state prisons under the jurisdiction of the department for contraband, and to report to the Inspector General quarterly regarding those searches, as specified.

GOVERNOR'S MESSAGE: To the Members of the California State Senate: I am returning Senate Bill 1066 without my signature. This bill would require the California Department of Corrections and Rehabilitation (CDCR) to conduct monthly random searches for contraband of staff and vendors entering each State prison. This bill requires the CDCR to provide advance notice to the Office of the Inspector General (OIG) of these random searches and requires the Inspector General to oversee at least 11 searches per year. In addition, SB 1066 requires the CDCR to submit a quarterly report to the OIG detailing the results of these searches, as specified. This measure is unnecessary as California law already authorizes CDCR to search staff and vendors and provides the necessary flexibility needed to conduct its operations within existing budget constraints. SB 1066 removes this flexibility and instead codifies a cumbersome, bureaucratic process that will impede the Department's current and future efforts. Moreover, I cannot approve a measure that will mandate such searches while the Legislature fails to approve laws to give the proper tools to law enforcement to prosecute individuals when contraband such as wireless communications devices are found. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Vetoed Bills

SB 1067

AUTHOR: Oropeza

TITLE: Juvenile justice: recidivism.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law provides that the Department of Corrections and Rehabilitation consists of Juvenile Justice, among others. Existing law creates within the Department of Corrections and Rehabilitation under the Chief Deputy Secretary for Juvenile Justice, the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations. This bill would make a clarifying change by creating the Division of Juvenile Justice. The bill would also make other nonsubstantive conforming changes. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: To Members of the California State Senate: I am returning Senate Bill 1067 without my signature. This bill would require the California Department of Corrections and Rehabilitation (CDCR) to collect and report recidivism rates of youthful offenders under the jurisdiction of the Division of Juvenile Justice and post the information on the department's website. This bill is unnecessary inasmuch as CDCR has already begun to track this information and it can be made available on request. For this reasons I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

SB 1166

AUTHOR: Simitian

TITLE: Personal information: privacy.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law requires any agency, and any person or business conducting business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This bill would require any agency, person, or business that is required to issue a security breach notification pursuant to existing law to fulfill certain additional requirements pertaining to the security breach notification, as specified. This bill contains other related provisions.

GOVERNOR'S MESSAGE: To the Members of the California State Senate: I am returning Senate Bill 1166 without my signature. This bill would require any agency, person, or business that must issue an information security breach notification pursuant to existing law to also fulfill certain additional requirements pertaining to the security breach notification. California's landmark law on data breach notification has had many beneficial results. Informing individuals whose personal information was compromised in a breach of what their risks are and what they can do to protect themselves is an important consumer protection benefit. This bill is unnecessary, however,

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Vetoed Bills

because there is no evidence that there is a problem with the information provided to consumers. Moreover, there is no additional consumer benefit gained by requiring the Attorney General to become a repository of breach notices when this measure does not require the Attorney General to do anything with the notices. Since this measure would place additional unnecessary mandates on businesses without a corresponding consumer benefit, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

SB 1230

AUTHOR: DeSaulnier

TITLE: Employment: posting requirements.

STATUS: 09/29/2010-Vetoed by the Governor.

SUMMARY: Existing law requires employers to post various employment-related information for employees, including information relating to the payment of wages, workers' compensation, and discrimination in employment. This bill would require employers to post information related to slavery and human trafficking, including information related to 2 nonprofit organizations that provide services in support of the elimination of slavery and human trafficking.

GOVERNOR'S MESSAGE: I am returning Senate Bill 1230 without my signature. This bill requires employers to post information related to slavery and human trafficking, including information related to nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. I support efforts to eliminate human trafficking. However, this measure will burden legitimate businesses while having little to no impact on human slavery. After all, businesses likely to comply with his law are not likely to have employees that would benefit from such postings. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Chapter Number

<u>Chapter Number</u>	<u>Bill Number</u>	<u>Title</u>	<u>Author</u>
3	<u>ABX8 3</u>	Fines and forfeitures: forensic laboratories: Alcohol Beverage Control Fund: inmate education.	Committee on Budget
7	<u>AB 1585</u>	State government: reporting requirements: required repealer.	Committee on Accountability and Administrative Rev
21	<u>SB 408</u>	Body armor.	Padilla
22	<u>AB 552</u>	Correctional facilities.	Solorio
49	<u>ACR 140</u>	Undocumented foreign nationals: incarceration: reimbursement.	Adams
49	<u>SB 1253</u>	Probation: sex offenders.	Strickland
50	<u>SB 1265</u>	Forensic Conditional Release Program.	Dutton
96	<u>AB 2350</u>	Interstate Compact for Juveniles.	Hill
117	<u>AB 1532</u>	Code enforcement officers.	Lieu
122	<u>SCR 83</u>	Memorial highways: Officer Russell M. Miller, Sr. Memorial Highway and Correctional Officer Jesus	Negrete McLeod
157	<u>SB 1447</u>	Juveniles: secure detention facilities.	Padilla
163	<u>AB 1592</u>	State employees: memorandum of understanding.	Buchanan
171	<u>SB 150</u>	Sentencing.	Wright
178	<u>SB 1115</u>	Deadly weapons.	Committee on Public Safety
194	<u>AB 1813</u>	Public officials: personal information.	Lieu
205	<u>AB 2091</u>	Public records: information security.	Conway
219	<u>AB 1844</u>	Sex offenders: punishment: parole.	Fletcher
224	<u>AB 33</u>	Child abduction: sex offender identification.	Nava
237	<u>AB 1729</u>	Civil service examinations: veterans' preference.	Yamada

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Chapter Number

<u>Chapter Number</u>	<u>Bill Number</u>	<u>Title</u>	<u>Author</u>
252	<u>AB 2181</u>	State Contract Act: contracting by state agencies.	Hagman
256	<u>AB 2263</u>	Sentencing.	Yamada
280	<u>SB 938</u>	Department of Motor Vehicles: records: confidentiality.	Huff
282	<u>SB 1055</u>	State Chief Information Officer: fingerprints: criminal history.	Ashburn
300	<u>AB 1280</u>	Child abuse sentencing: child becoming comatose or suffering paralysis.	Villines
301	<u>AB 1601</u>	Vehicles: driving-under-the-influence (DUI): repeat offenders.	Hill
302	<u>SB 5</u>	Deceased Child Victims' Protection and Privacy Act.	Hollingsworth
342	<u>AB 177</u>	Public contracts: small businesses and disabled veteran business enterprises.	Ruskin
398	<u>AB 2738</u>	Regulations: agency statement of reasons.	Niello
404	<u>AB 2408</u>	State government information technology.	Smyth
405	<u>SB 1399</u>	Parole: medical parole: permanently medically incapacitated inmates.	Leno
426	<u>SB 76</u>	Committee on Public Safety: Inmates: incentive credits.	Committee on Public Safety
438	<u>AB 635</u>	Public contracts: roof projects.	Committee on Accountability and Administrative Rev
463	<u>AB 2218</u>	Restitution centers.	Fuentes
480	<u>SB 830</u>	Recording crimes.	Wright
482	<u>SB 962</u>	Prisoners: adjudication of parental rights: participation.	Liu
484	<u>SB 1032</u>	Corrections: audits and investigations.	Wright
495	<u>SB 1355</u>	Child support: suspension of support order.	Wright
516	<u>SB 1155</u>	Capital access companies.	Dutton

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Chapter Number

<u>Chapter Number</u>	<u>Bill Number</u>	<u>Title</u>	<u>Author</u>
582	<u>AB 1847</u>	Restitution orders.	Furutani
608	<u>AB 2742</u>	Public employment: retirement: survivors' benefits.	Blakeslee
628	<u>SB 849</u>	Budget Act of 2009: augmentation.	Ducheny
631	<u>SB 945</u>	Juvenile court jurisdiction: services and benefits.	Liu
644	<u>SB 1266</u>	Inmates: alternative custody.	Liu
666	<u>AB 1659</u>	State government: agency repeals.	Huber
669	<u>AB 1985</u>	Corrections: contract health care providers.	Galgiani
672	<u>AB 2253</u>	Workers' compensation: cancer presumption.	Coto
688	<u>AB 2635</u>	Communicable disease: involuntary testing.	Portantino
689	<u>AB 2668</u>	Weapons: possession at State Capitol and legislative buildings.	Galgiani
693	<u>AB 2372</u>	Grand theft: property value threshold.	Ammiano
709	<u>SB 1062</u>	Public safety omnibus bill.	Strickland
710	<u>SB 1201</u>	Sex offenders: assessments.	DeSaulnier
711	<u>SB 1080</u>	Deadly weapons.	Committee on Public Safety
726	<u>AB 1620</u>	Public works projects.	Committee on Budget
729	<u>AB 1628</u>	Corrections.	Committee on Budget

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Bill Number

<u>Bill Number</u>	<u>Title</u>	<u>Author</u>	<u>Chapter Number</u>
<u>AB 33</u>	Child abduction: sex offender identification.	Nava	224
<u>AB 177</u>	Public contracts: small businesses and disabled veteran business enterprises.	Ruskin	342
<u>AB 552</u>	Correctional facilities.	Solorio	22
<u>AB 635</u>	Public contracts: roof projects.	Committee on Accountability and Administrative Rev	438
<u>AB 1280</u>	Child abuse sentencing: child becoming comatose or suffering paralysis.	Villines	300
<u>AB 1532</u>	Code enforcement officers.	Lieu	117
<u>AB 1585</u>	State government: reporting requirements: required repealer.	Committee on Accountability and Administrative Rev	7
<u>AB 1592</u>	State employees: memorandum of understanding.	Buchanan	163
<u>AB 1601</u>	Vehicles: driving-under-the-influence (DUI): repeat offenders.	Hill	301
<u>AB 1620</u>	Public works projects.	Committee on Budget	726
<u>AB 1628</u>	Corrections.	Committee on Budget	729
<u>AB 1659</u>	State government: agency repeals.	Huber	666
<u>AB 1729</u>	Civil service examinations: veterans' preference.	Yamada	237
<u>AB 1813</u>	Public officials: personal information.	Lieu	194
<u>AB 1844</u>	Sex offenders: punishment: parole.	Fletcher	219
<u>AB 1847</u>	Restitution orders.	Furutani	582
<u>AB 1985</u>	Corrections: contract health care providers.	Galgiani	669
<u>AB 2091</u>	Public records: information security.	Conway	205

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Bill Number

<u>Bill Number</u>	<u>Title</u>	<u>Author</u>	<u>Chapter Number</u>
<u>AB 2181</u>	State Contract Act: contracting by state agencies.	Hagman	252
<u>AB 2218</u>	Restitution centers.	Fuentes	463
<u>AB 2253</u>	Workers' compensation: cancer presumption.	Coto	672
<u>AB 2263</u>	Sentencing.	Yamada	256
<u>AB 2350</u>	Interstate Compact for Juveniles.	Hill	96
<u>AB 2372</u>	Grand theft: property value threshold.	Ammiano	693
<u>AB 2408</u>	State government information technology.	Smyth	404
<u>AB 2635</u>	Communicable disease: involuntary testing.	Portantino	688
<u>AB 2668</u>	Weapons: possession at State Capitol and legislative buildings.	Galgiani	689
<u>AB 2738</u>	Regulations: agency statement of reasons.	Niello	398
<u>AB 2742</u>	Public employment: retirement: survivors' benefits.	Blakeslee	608
<u>ABX8 3</u>	Fines and forfeitures: forensic laboratories: Alcohol Beverage Control Fund: inmate education.	Committee on Budget	3
<u>ACR 140</u>	Undocumented foreign nationals: incarceration: reimbursement.	Adams	49
<u>SB 5</u>	Deceased Child Victims' Protection and Privacy Act.	Hollingsworth	302
<u>SB 76</u>	Committee on Public Safety: Inmates: incentive credits.	Committee on Public Safety	426
<u>SB 150</u>	Sentencing.	Wright	171
<u>SB 408</u>	Body armor.	Padilla	21
<u>SB 830</u>	Recording crimes.	Wright	480
<u>SB 849</u>	Budget Act of 2009: augmentation.	Ducheny	628
<u>SB 938</u>	Department of Motor Vehicles: records: confidentiality.	Huff	280
<u>SB 945</u>	Juvenile court jurisdiction: services and benefits.	Liu	631

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Bill Number

<u>Bill Number</u>	<u>Title</u>	<u>Author</u>	<u>Chapter Number</u>
SB 962	Prisoners: adjudication of parental rights: participation.	Liu	482
SB 1032	Corrections: audits and investigations.	Wright	484
SB 1055	State Chief Information Officer: fingerprints: criminal history.	Ashburn	282
SB 1062	Public safety omnibus bill.	Strickland	709
SB 1080	Deadly weapons.	Committee on Public Safety	711
SB 1115	Deadly weapons.	Committee on Public Safety	178
SB 1155	Capital access companies.	Dutton	516
SB 1201	Sex offenders: assessments.	DeSaulnier	710
SB 1253	Probation: sex offenders.	Strickland	49
SB 1265	Forensic Conditional Release Program.	Dutton	50
SB 1266	Inmates: alternative custody.	Liu	644
SB 1355	Child support: suspension of support order.	Wright	495
SB 1399	Parole: medical parole: permanently medically incapacitated inmates.	Leno	405
SB 1447	Juveniles: secure detention facilities.	Padilla	157
SCR 83	Memorial highways: Officer Russell M. Miller, Sr. Memorial Highway and Correctional Officer Jesus	Negrete McLeod	122

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Subject Matter

<u>Bill Number</u>	<u>Title</u>	<u>Author</u>	<u>Chapter Number</u>
--------------------	--------------	---------------	-----------------------

Accounting

<u>AB 1506</u>	State funds: registered warrants.	Anderson	VETOED
--------------------------------	-----------------------------------	----------	--------

Adult Institutions

<u>AB 633</u>	Department of Corrections and Rehabilitation: inmates and wards: classification.	Ammiano	VETOED
<u>AB 2218</u>	Restitution centers.	Fuentes	463
<u>SB 76</u>	Committee on Public Safety: Inmates: incentive credits.	Committee on Public Safety	426
<u>SB 525</u>	Correctional facilities: wireless communication devices.	Padilla	VETOED
<u>SB 962</u>	Prisoners: adjudication of parental rights: participation.	Liu	482
<u>SB 1066</u>	Corrections: Inspector General.	Oropeza	VETOED
<u>SB 1266</u>	Inmates: alternative custody.	Liu	644
<u>SB 1355</u>	Child support: suspension of support order.	Wright	495
<u>SB 1399</u>	Parole: medical parole: permanently medically incapacitated inmates.	Leno	405
<u>SCR 83</u>	Memorial highways: Officer Russell M. Miller, Sr. Memorial Highway and Correctional Officer Jesus	Negrete McLeod	122

Adult Parole

<u>AB 33</u>	Child abduction: sex offender identification.	Nava	224
<u>AB 2290</u>	CDCR: inmates: summary parole.	Bradford	VETOED
<u>AB 2295</u>	Parole: retention of records.	De La Torre	VETOED
<u>SB 5</u>	Deceased Child Victims' Protection and Privacy Act.	Hollingsworth	302
<u>SB 938</u>	Department of Motor Vehicles: records: confidentiality.	Huff	280
<u>SB 1062</u>	Public safety omnibus bill.	Strickland	709
<u>SB 1201</u>	Sex offenders: assessments.	DeSaulnier	710
<u>SB 1253</u>	Probation: sex offenders.	Strickland	49
<u>SB 1265</u>	Forensic Conditional Release Program.	Dutton	50

Adult Programs

<u>AB 2326</u>	Reentry Advisory Committee.	Bass	VETOED
--------------------------------	-----------------------------	------	--------

Adult Programs: Education Programs

<u>AB 1239</u>	Prisoners: prison education programs.	Solorio	VETOED
--------------------------------	---------------------------------------	---------	--------

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Subject Matter

<u>Bill Number</u>	<u>Title</u>	<u>Author</u>	<u>Chapter Number/ Vetoed</u>
<u>Budgets</u>			
<u>AB 1628</u>	Corrections.	Committee on Budget	729
<u>SB 849</u> <u>ABX8 3</u>	Budget Act of 2009: augmentation. Fines and forfeitures: forensic laboratories: Alcohol Beverage Control Fund: inmate education.	Ducheny Committee on Budget	628 3
<u>Communications</u>			
<u>AB 1778</u>	State agency promotions: commercials.	Lieu	VETOED
<u>Contracts</u>			
<u>AB 177</u>	Public contracts: small businesses and disabled veteran business enterprises.	Ruskin	342
<u>AB 2494</u> <u>SB 1155</u>	Personal services contracts. Capital access companies.	Blumenfield Dutton	VETOED 516
<u>Corrections Standards Authority</u>			
<u>AB 1900</u> <u>AB 2350</u> <u>SB 1447</u>	Pregnant inmates and wards: least restrictive restraints. Interstate Compact for Juveniles. Juveniles: secure detention facilities.	Skinner Hill Padilla	VETOED 96 157
<u>Facilities Management</u>			
<u>AB 552</u> <u>AB 635</u>	Correctional facilities. Public contracts: roof projects.	Solorio Committee on Accountability and Administrative Rev	22 438
<u>AB 1620</u>	Public works projects.	Committee on Budget	726
<u>AB 2181</u>	State Contract Act: contracting by state agencies.	Hagman	252
<u>Health Care</u>			
<u>AB 1817</u> <u>AB 1985</u> <u>AB 2747</u>	Corrections: inmate health care. Corrections: contract health care providers. Prisoners: pharmacy services.	Arambula Galgiani Lowenthal,	VETOED 669 VETOED

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Subject Matter

Bonnie

<u>Bill Number</u>	<u>Title</u>	<u>Author</u>	<u>Chapter Number/ Vetoed</u>
--------------------	--------------	---------------	---------------------------------------

Human Resources

AB 1729	Civil service examinations: veterans' preference.	Yamada	237
AB 2008	Public employment: furloughs.	Arambula	VETOED
AB 2742	Public employment: retirement: survivors' benefits.	Blakeslee	608

Information Technology

AB 1813	Public officials: personal information.	Lieu	194
AB 2091	Public records: information security.	Conway	205
AB 2408	State government information technology.	Smyth	404
SB 1055	State Chief Information Officer: fingerprints: criminal history.	Ashburn	282
SB 1166	Personal information: privacy.	Simitian	VETOED

Internal Affairs

SB 1032	Corrections: audits and investigations.	Wright	484
-------------------------	---	--------	-----

Juvenile Justice

SB 945	Juvenile court jurisdiction: services and benefits.	Liu	631
SB 1067	Juvenile justice: recidivism.	Oropeza	VETOED

Labor Relations

AB 1592	State employees: memorandum of understanding.	Buchanan	163
AB 2187	Employment: payment of wages.	Arambula	VETOED
SB 1230	Employment: posting requirements.	DeSaulnier	VETOED

Legal Affairs

AB 471	Legal services.	Nava	VETOED
AB 2253	Workers' compensation: cancer presumption.	Coto	672

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF LEGISLATION
Legislative Digest 2010

Index by Subject Matter

<u>Bill Number</u>	<u>Title</u>	<u>Author</u>	<u>Chapter Number/ Vetoed</u>
<u>Legislation (Office of)</u>			
<u>AB 1585</u>	State government: reporting requirements: required repealer.	Committee on Accountability and Administrative Rev	7
<u>AB 1659</u>	State government: agency repeals.	Huber	666
<u>ACR 140</u>	Undocumented foreign nationals: incarceration: reimbursement.	Adams	49
<u>Penalty Bills</u>			
<u>AB 1280</u>	Child abuse sentencing: child becoming comatose or suffering paralysis.	Villines	300
<u>AB 1532</u>	Code enforcement officers.	Lieu	117
<u>AB 1601</u>	Vehicles: driving-under-the-influence (DUI): repeat offenders.	Hill	301
<u>AB 1844</u>	Sex offenders: punishment: parole.	Fletcher	219
<u>AB 1925</u>	Veterans courts.	Salas	VETOED
<u>AB 2263</u>	Sentencing.	Yamada	256
<u>AB 2372</u>	Grand theft: property value threshold.	Ammiano	693
<u>AB 2635</u>	Communicable disease: involuntary testing.	Portantino	688
<u>AB 2668</u>	Weapons: possession at State Capitol and legislative buildings.	Galgiani	689
<u>SB 150</u>	Sentencing.	Wright	171
<u>SB 408</u>	Body armor.	Padilla	21
<u>SB 830</u>	Recording crimes.	Wright	480
<u>SB 1080</u>	Deadly weapons.	Committee on Public Safety	711
<u>SB 1115</u>	Deadly weapons.	Committee on Public Safety	178
<u>Regulations and Policy</u>			
<u>AB 2738</u>	Regulations: agency statement of reasons.	Niello	398
<u>Victim Services – Restitution</u>			
<u>AB 1847</u>	Restitution orders.	Furutani	582